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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3171***

***Thursday, April 27, 2006 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Rachelle B. Chong**

**Dian M. Grueneich**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Monday, May 08, 2006 (San Francisco)	Thursday, April 27, 2006 (San Francisco)
Monday, May 22, 2006 (San Francisco)	Thursday, May 11, 2006 (San Francisco)
Monday, June 12, 2006 (San Francisco)	Thursday, May 25, 2006 (San Francisco)
Monday, June 26, 2006 (San Francisco)	Thursday, June 15, 2006 (San Francisco)
	Thursday, June 29, 2006 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 9

**Public Comment:**

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

**1 C88-03-016 - The City of St. Helena, Town of Yountville, County of Napa, Napa Valley Vintners Association vs. Napa Valley Wine Train, Inc.**

[5267]

Following decisions by the Court of Appeal and the California Supreme Court, this decision denies Petition for Modification filed by Wine Train and closes this proceeding. The denial leaves standing Decision 01-06-034, in which the Commission determined that Wine Train's excursion service is not a public utility service.

(Comr Grueneich - ALJ Vieth)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3167, Item 11 2/16/2006 (Brown);

Agenda 3168, Item 1 3/2/2006 (Bohn);

Agenda 3169, Item 3 3/15/2006 (Bohn);

Agenda 3170, Item 3 4/13/2006 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230347](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230347)

**2 Res ALJ 176-3171**

[5421]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230729](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230729)

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Consent Agenda - Orders and Resolutions (continued)

- 3**  
[5376]      **R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.**  
This decision grants \$58,373.00 in intervenor compensation to The Utility Reform Network (TURN) for its further contributions to D04-05-057, approximately \$78,085 less than TURN requested. Only amounts directly attributable to preparing and filing TURN's motion to intervene in federal litigation seeking to overturn D04-05-057, and amounts for preparing its compensation claim, have been allowed.  
(Comr Peevey - ALJ McVicar)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
Agenda 3170, Item 5 4/13/2006 (Brown)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230324](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230324)
- 4**  
[5384]      **Res E-3979 - San Diego Gas & Electric Company (SDG&E).**  
SDG&E requests approval of the Pacific Wind renewable resource procurement contract. This contract is approved without modifications. (Advice Letter 1734-E, filed October 2, 2005)  
Agenda 3169, Item 15 3/15/2006 (Staff);  
Agenda 3170, Item 6 4/13/2006 (Staff)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230398](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230398)
- 5**  
[5424]      **C05-07-014 - Suncountry Owners Association vs. California-American Water Company.**  
Complainant seeks a rate reduction for themselves which would adversely affect all customers of the water company. This issue should be considered in a general rate case, not case by case. This Complaint is dismissed. Case 05-07-014 is closed.  
(Comr Bohn - ALJ Barnett)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230795](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230795)

## Consent Agenda - Orders and Resolutions (continued)

**6**

[5425]

**Res T-17006 - Citizens Telecommunications Company of California, Citizens Telecommunications Company of Tuolumne, and Citizens Telecommunications Company of the Golden State.**

This resolution authorizes Citizens Telecommunications Company of California (California Citizens) and Citizens Telecommunications Company of the Golden State (Golden State Citizens) to grandfather their 75% employee telephone concession service associated with its residential "Citizens Select" service offering and also authorizes Citizens Telecommunications Company of Tuolumne (Tuolumne Citizens) to withdraw its 75% employee telephone concession (since the carrier has no employees on this concession plan) associated with its existing residential "Citizens Select" service offering. This resolution also authorizes California Citizens, to introduce a 50% employee telephone concession associated with its "Frontier Choices" tariff offering and "Frontier California Choices" package offering, and also authorizes Tuolumne Citizens and Golden State Citizens to introduce a 50% employee telephone concession associated with its "Frontier Choices" tariff offering. (California Citizens' Advice Letter (AL) 934, filed February 15, 2006, Tuolumne Citizens' AL 169, filed February 15, 2006, Golden State Citizens' AL 179, filed February 15, 2006)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230554](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230554)

**7**

[5438]

**Res T-17002**

This resolution adopts comprehensive procedures and guidelines for eligible telecommunications carrier designation and requirements for eligible telecommunications carriers effective July 1, 2006 in response to Federal Communications Commission Report and Order 05-46.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3170, Item 24 4/13/2006 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230645](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230645)

**8**

[5449]

**Res T-17010**

This resolution revokes the certificates of public convenience and necessity of the following six competitive carriers for failure to comply with D93-05-010 Ordering Paragraph 4: EZ Phone, Inc. (CPCN# (#)) 5867; One Star Long Distance, Inc. (#6129), P.D.S., Inc. (#6256), Servisense.com, Inc. (#6388), Kiger Telephone of Telephony, LLC (#6670), and Westex Communications, LLC. (#6719)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230949](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230949)

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Consent Agenda - Orders and Resolutions (continued)**9** **C04-12-012 - California Alliance for Utility Safety and Education vs. San Diego Gas & Electric Company and the City of San Diego.**  
[5472]

This decision finds that, in planning and constructing the 30th Street 138 kilovolt underground conversion project in San Diego (Undergrounding Project), defendant San Diego Gas & Electric Company (SDG&E) did not comply with the mandates of the California Environmental Quality Act (CEQA), Pub. Res. Code § 21000 et seq., and General Order (GO) 131-B. Since the Undergrounding Project has already been built, however, the Commission will not now require SDG&E to take any remedial steps with respect to the requirements of GO 131-D or CEQA for the Undergrounding Project. The decision also finds that SDG&E complied with the requirements of Decision 93-11-013 regarding no-cost and low-cost measures to mitigate the impact of electromagnetic fields in its construction of the Undergrounding Project. This proceeding is closed. (Comr Brown - ALJ Simon)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code § 1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=226682](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=226682)

**10** **A06-01-002 - Crimson California Pipeline, L.P. (Applicant).**  
[5483]

This decision grants Applicant's application to enter revolving credit agreement with Bank of Oklahoma to borrow up to \$10 million and pledge pipeline assets to secure the borrowing. Denies request for nunc pro tunc approval and imposes a fine of \$5,000 for violation of Pub. Util. Code § 851. This proceeding is closed.

(Comr Peevey - ALJ Bemmesderfer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code § 1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231505](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231505)

## Consent Agenda - Orders and Resolutions (continued)

**11 A02-10-007 - New Century Telecom, Inc. (NCT).**

[5484] NCT requests authority under Section 854(a) to transfer ownership to Karyn Bartel (Bartel). The transaction was implemented without Commission authorization in March 2003. NCT's certificate of public convenience and necessity was revoked by Resolution T-16962, issued on October 27, 2005, for failure to file an annual report and to remit regulatory surcharges and fees. This Decision denies A02-10-007 because NCT is no longer a public utility and, therefore, Section 854(a) does not apply. Even if §854(a) did apply, the application would be denied because Bartel is unfit to own a public utility. This decision also orders NCT to pay a fine of \$55,000 for violating Rule 1, several decisions, and parts of the Public Utilities Code. To protect the public interest, NCT and Bartel are prohibited from providing public utility service in California until the fine levied by this decision is paid and past due surcharges and fees are remitted. Additionally, this decision finds that the Helein Law Group violated Rule 1 by providing false information to the Commission. In lieu of a fine, today's decision requires the Helein Law Group to provide notice in all documents filed at the Commission that the firm was found by this decision to have violated Rule 1. This requirement shall end after three years. Finally, NCT continues to provide interexchange telephone service, despite having no authority to do so. This decision directs Pacific Bell Telephone Company dba SBC California and Verizon California, Inc. to stop routing calls to NCT and to notify NCT's customers about the termination of service by NCT. This proceeding is closed.

(Comr Brown - ALJ Kenney)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231551](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231551)

**12 Res ALJ-191**

[5485] On December 19, 2005, the Commission served Citation number FC-022 on Emerald City Limousine (respondent) in accordance with Resolution ALJ-187. On December 21, 2005, respondent served a Notice of Appeal on the Consumer Protection and Safety Division of the Commission. Citation FC-022 is affirmed in part and dismissed in part. The fine is reduced to \$1,250.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230802](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230802)

## Consent Agenda - Orders and Resolutions (continued)

- 13**  
[5498] **A00-11-038 - Southern California Edison Company.**  
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision grants the Petition for Modification of D03-10-040 filed by Pacific Gas and Electric company (PG&E). In D03-10-040, the Commission addressed how PG&E and the other investor-owned electric utilities were to remit to cities and counties Municipal Surcharge Fees attributable to power charges collected on behalf of the California Department of Water Resources (DWR). This decision affirms that D03-10-040 does not address PG&E's remittance methodology for municipal surcharges generally, but is limited in applicability to DWR revenues.  
(Comr Brown - ALJ Allen)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230785](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230785)
- 14**  
[5519] **A05-05-019 - Telrite Corporation (Applicant).**  
This decision denies Applicant's application for a certificate of public convenience and necessity authorizing the provision of resold local exchange services based on Applicant's failure to file user fee reports and public program surcharge reports for 2003 and 2004 as required by its licensing decision, D03-06-038, and as ordered by a ruling of the assigned Administrative Law Judge. If Applicant promptly comes into compliance with these requirements and does not engage in additional violations of law or Commission requirements, Applicant may reapply for a certificate of public convenience and necessity no sooner than one year after the date of the issuance of this decision. This proceeding is closed.  
(Comr Bohn - ALJ Prestidge)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231097](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231097)
- 15**  
[5522] **A05-12-006 - Inter-Tel NetSolutions, Inc. (Applicant).**  
Applicant seeks to amend its certificate of public convenience and necessity under Pub. Util. Code §1001 to expand its authority to provide competitive local exchange telecommunications services as a switchless reseller. This decision grants the requested authority subject to the terms and conditions of this decision. A05-12-006 is closed.  
(Comr Brown - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=218006](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=218006)

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Consent Agenda - Orders and Resolutions (continued)

- 16**                    **A06-02-006 - Abdisamad M. Deria and Jaipal Singh.**  
[5526]                This decision authorizes Abdisamad M. Deria to transfer his passenger stage corporation certificate to Jaipal Singh. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 17**                    **A06-01-020 - Fekadu Keremo dba AAA-Super AirPort Shuttle (Applicant).**  
[5527]                This decision authorizes Applicant to operate as a passenger stage corporation between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230208](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230208)
- 18**                    **A06-01-019 - Yohannes E. Workneh, dba 1A AAA Super Express Shuttle (Applicant).**  
[5528]                This decision authorizes Applicant to operate as a passenger stage corporation between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230198](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230198)
- 19**                    **A 02-12-027 - Southern California Gas Company.**  
[5529]                For authority to update its gas revenue requirement and base rates. A02-12-028, I03-03-016 - Related matters. This decision clarifies the record and adopts a correct forecast for test year 2004 and attrition year 2005 of the costs billed by Southern California Edison Company to San Diego Gas & Electric Company. These proceedings are closed.  
                         (Comr Brown - ALJ Long)  
                         *Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=228706](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=228706)



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Consent Agenda - Orders and Resolutions (continued)

- 20**  
[5533]      **A05-12-015 - Royal Dutch Shell plc, N.V., Koninklijke Nederlandsche Petroleum Maatschappij (Royal Dutch Petroleum Company), The Shell Transport and Trading Company Limited, Shell Petroleum N.V. and Shell California Pipeline Company LLC.**  
This decision grants the joint application of Shell California Pipeline LLC, for a change in control pursuant to Public Utilities Code Section 854(a). This proceeding is closed.  
(Comr Peevey - ALJ Bemserderfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=219898](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=219898)
- 21**  
[5537]      **A06-01-008 - Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company.**  
This decision grants the request of three California utilities to modify requirements for reporting incidents involving trees or other vegetation in the vicinity of power lines. The proposal would eliminate the reporting requirement for some relatively minor vegetation incidents that both the utilities and Commission staff deem unnecessary. The application is unopposed. The application is granted. This proceeding is closed.  
(Comr Peevey - ALJ Walker)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=227155](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=227155)
- 22**  
[5538]      **Res T-17020 - Foresthill Telephone Company.**  
Foresthill Telephone Company requests authority to grandfather foreign exchange service. (Advice Letter 264, filed March 9, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=227209](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=227209)
- 23**  
[5539]      **A05-03-016 - Pacific Gas and Electric Company.**  
For recovery of pre-deployment costs of the Advanced Metering Infrastructure Project. This decision awards The Utility Reform Network (TURN) \$31,457.38 in compensation for its substantial contributions to D05-09-044. TURN requested \$31,505.88. The Commission has made limited disallowances to TURN's direct expense claims. This proceeding is closed.  
(Comr Peevey - ALJ Cooke)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=227846](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=227846)

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Consent Agenda - Orders and Resolutions (continued)

- 24**  
[5540] **A04-08-012 - California-American Water Company.**  
For authority pursuant to Public Utilities Code Section 454 to restructure and consolidate its rates for its Monterey and Felton Districts. This decision finds that Felton FLOW did not make a substantial contribution to D05-09-004, and denies its request for \$49,719 in intervenor compensation. This proceeding is closed.  
(Comr Peevey - ALJ McVicar)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229357](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229357)
- 25**  
[5541] **C05-07-001 - William Arterberry, dba Farm ACW vs. San Diego Gas & Electric Company.**  
Pub. Util. Code §1701.2(d) provides that adjudication cases shall be resolved within 12 months of the date the complaint was filed unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is July 5, 2006. Based on the record in this proceeding, the Commission determines that parties' interests will be served by extending this proceeding to allow the parties to hold a hearing with adequate time to prepare. As a result, a 5-1/2 month extension order is required under Pub. Util. Code §1701.2(d).  
(Comr Brown - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=228761](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=228761)
- 26**  
[5542] **A06-01-003 - Sprint Communications, L.P.**  
This decision authorizes Sprint Communications Company L.P. to cease offering resold based service and transfer the related customer bases to the incumbent local exchange carriers or to Trinsic, Inc., a competitive local exchange carrier, in accordance with the Commission's rules governing customer base transfers. This proceeding is closed.  
(Comr Bohn - ALJ Bemederfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=219338](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=219338)
- 27**  
[5543] **Res T-17011 - Verizon California, Inc.**  
This resolution approves an Interconnection Agreement and Amendments between Verizon California, Inc. and Covista, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 11486, filed March 1, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229640](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229640)

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Consent Agenda - Orders and Resolutions (continued)

- 28**  
[5545] **A06-02-010 - Lorrie's Travel and Tours, Inc. (Applicant).**  
This decision authorizes Applicant to extend its on-call passenger stage corporation service to and from San Francisco International Airport to include all points in the City and County of San Francisco. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229766](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229766)
- 29**  
[5546] **A05-08-023 - L.A. Mex Tours, Inc. (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between San Ysidro, El Monte, and Los Angeles; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229748](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229748)
- 30**  
[5547] **A05-10-014 - Yoseph B. Hiwot dba Eagle Airport Shuttle (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between points in Alameda, San Mateo, and Santa Clara Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230203](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230203)
- 31**  
[5548] **A06-01-021 - Fariborz Alishahi and Nora Alishahi dba Green Van Airport Shuttle and Leyla Saebi Monfared.**  
This decision authorizes Faribora Alishahi and Nora Alishahi to transfer their passenger stage corporation certificate to Leyla Saebi Monfared. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229763](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229763)

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Consent Agenda - Orders and Resolutions (continued)**32 A05-07-025 - ClearLinx Network Corporation.**

[5549] This decision grants the application of ClearLinx Network Corporation (Applicant) for modification of its existing certificate of public convenience and necessity (CPCN) to allow Applicant to provide full facilities-based local exchange and interexchange services. Applicant currently holds a CPCN authorizing the provision of limited facilities-based interexchange services. This decision also approves a process for review of Applicant's claimed exemptions from the California Environmental Quality Act for future construction projects authorized by the full facilities-based CPCN in this case. This proceeding is closed.

(Comr Bohn - ALJ Prestidge)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231528](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231528)

**33 A05-06-004 - Pacific Gas and Electric Company.**

[5511] For approval of the 2006 - 2008 energy efficiency program and budget. A05-06-011, A05-06-015, A05-06-016 - Related matters. This decision adopts needed corrections and clarifications to the text and attachments to Decision 05-09-043 that were identified subsequent to the issuance of that decision.

(Comr Peevey - ALJ Gottstein)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=217424](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=217424)

**34 Res W-4597 - Yerba Buena Water Company (YBWC).**

[5551] This resolution conditionally authorizes YBWC to secure loans totaling \$85,000 used for various emergency repair works on its water system and to encumber utility assets. (Advice Letter 33, filed January 6, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=226360](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=226360)

**35 Res W-4596 - The Sea Ranch Water Company (Sea Ranch).**

[5554] This resolution authorizes Sea Ranch rate base offset revenue increase of \$8,084 or 1.03%. (Advice Letter 70-A, filed March 23, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229860](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229860)

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Consent Agenda - Orders and Resolutions (continued)

- 36**  
[5557]      **A04-11-007 - Pacific Gas and Electric Company.**  
Application for rate and line extension incentives for conversion of stationary agricultural internal combustion equipment to electric service. A04-11-008 - Related matters. This decision awards The Utility Reform Network compensation of \$46,277.58, and the Agricultural Energy Consumers Association compensation of \$69,131.27, for their respective contribution to Decision 05-06-016. These proceedings are closed.  
(Comr Brown - ALJ McKenzie)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=221405](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=221405)
- 37**  
[5560]      **Res W-4598 - Agate Bay Water Company.**  
This resolution approves staff recommendation in Agate Bay Water Company informal General Rate Case request. The net system average rate increase is 23.10%.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230015](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230015)
- 38**  
[5561]      **A06-01-017 - BCN Telecom, Inc. (Applicant).**  
This decision grants Applicant approval of parent corporation's buy-out of certain minority interests. This proceeding is closed.  
(Comr Bohn - ALJ Bemesserfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=226354](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=226354)
- 39**  
[5562]      **A05-12-003 - CA-CLEC LLC. (Applicant).**  
This decision grants the Applicant full-facilities based certificate of public convenience and necessity (CPCN) authority to construct specific aerial and underground projects in the City of Saratoga. This authority expands Applicant's currently held CPCN (U-6936-C) which authorizes the provision of limited facilities-based and resold local exchange and interexchange services. This decision also finds that Applicant's proposed aerial and underground construction projects, as described in the application, are exempt from further environmental review under California Environmental Quality Act. This proceeding is closed.  
(Comr Bohn - ALJ Prestidge)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231554](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231554)

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Consent Agenda - Orders and Resolutions (continued)

- 40**  
[5563]      **A06-01-016 - Communications Network Billing, Inc. (Applicant).**  
This decision approves Applicant's application to sell all its issued and outstanding shares of stock to Cristina M. Tucker. This proceeding is closed.  
(Comr Bohn - ALJ Bemederfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=226469](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=226469)
- 41**  
[5564]      **A05-12-027 - Hypercube, LLC and KMC Data LLC.**  
This decision grants joint application for authority for Hypercube, LLC to acquire control of KMC Data, LLC, a certificated local carrier. This proceeding is closed.  
(Comr Bohn - ALJ Bemederfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=226051](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=226051)
- 42**  
[5565]      **Res E-3982 - Pacific Gas and Electric Company (PG&E) and San Diego Gas & Electric Company (SDG&E).**  
This resolution approves PG&E's and SDG&E's request to change their electric time-of-use (TOU) rate schedule as an alternative to full reprogramming of the existing TOU meter stock in response to calendar changes affecting Daylight Saving Time as contemplated under the U.S. Energy Policy Act of 2005. (SDG&E Advice Letter (AL) 1746-E, filed November 17, 2005 and PG&E AL 2727-E, filed October 24, 2005)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=229948](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=229948)
- 43**  
[5566]      **Res E-3990 - Southern California Edison Company (SCE).**  
SCE requests a temporary suspension of the Cost Responsibility Surcharge collected from the City of Cerritos. SCE's request is approved. (Advice Letter 1975-E, filed March 1, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231616](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231616)

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Consent Agenda - Orders and Resolutions (continued)**44                    Res E-3986 - BMS Communications. Inc. (BMS).**

[5567]

This resolution approves BMS's request, on behalf of Crown Castle Solutions Corporation (CCSC), for a deviation from California Public Utilities Code Section 320. This resolution grants the request and authorizes CCSC to add approximate four miles of aerial optics cables, six directional antennas, six GPS antennas, and six Remote Access Node cabinets along Highway 9 on existing joint poles in Santa Clara County, from west of Greenwood Road extending northwest to southeast of Carnelian Glen Court. Highway 9 is within a state scenic corridor. (Advice Letter NON-40, filed September 22, 2005)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230915](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230915)

**45                    R \_\_\_\_\_ - Rulemaking on the Commission's intervenor compensation program.**

[5569]

Rulemaking will consider new rules to (i) clarify eligibility and compensability requirements, (ii) provide flexibility in filing notices of intent, (iii) require accounting documentation, and (iv) require notice of intent to claim judicial review costs. The Commission will also consider eliminating the intervenor compensation fund established in Decision 00-01-020 and replacing the fund with an alternative mechanism to allocate payment responsibility in certain rulemaking proceedings.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=227861](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=227861)

## Regular Agenda

### Regular Agenda - Energy Orders

46

[5286]

**A04-12-014 - Southern California Edison Company (SCE).**

I05-05-024 - Related matters. This decision addresses the general rate increase request of the Southern California Edison Company (SCE). For test year 2006, SCE is authorized a revenue requirement of \$3,704,039,000, which reflects an increase of \$287,862,000 or 8.43% over the previously authorized level of \$3,416,177,000. The adopted methodology for calculating post-test year revenue requirements results in additional revenue requirement increases of \$137,982,000 (3.73%) for post-test year 2007 and \$190,141,000 (4.95%) for post-test year 2008. On a general rate case (GRC) revenue basis, when reflecting the effect of increased sales for the test year and post-test years, the revenue increases amount to \$228,202,000 (6.57%) for 2006, \$68,173,000 (1.81%) for 2007 and \$101,623,000 (2.59%) for 2008. On a total system revenue basis, the revenue increases amount to 2.29% for 2006, 0.67% for 2007 and 0.98% for 2008. These proceedings are closed.

(Comr Brown - ALJ Fukutome)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3167, Item 51 2/16/2006 (Staff);

Agenda 3169, Item 18 3/15/2006 (Staff);

Agenda 3170, Item 54 4/13/2006 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230889](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230889)

47

[5349]

**R05-09-006 - Order Instituting Rulemaking concerning broadband over power line deployment by electric utilities in California.**

This decision adopts a regulatory framework that fosters competition in the broadband market by providing regulatory certainty to California companies seeking to provide broadband over power lines (BPL). The benefits of BPL include a new “wired” broadband pipe to the home, promoting universal access to broadband services, and providing California electricity consumers with increased reliability and lower costs through new “smart grid” technologies. This decision is: (1) allowing third-parties or electric utility affiliates to provide BPL services; (2) protecting ratepayers and aligning financial risks and rewards; (3) adopting a mechanism for sharing any additional revenues received from BPL providers; (4) providing non-discriminatory access to utility poles and rights of way; (5) maintaining the safety and reliability of the electric distribution system; and (6) adopting a policy of exempting BPL-related transactions, with conditions, from the requirements of Pub. Util. Code § 851 pursuant to the Commission's authority under Pub. Util. Code § 853(b).

(Comr Chong - ALJ Allen)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3169, Item 19 3/15/2006 (Pub. Util. Code §311(e));

Agenda 3170, Item 55 4/13/2006 (Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231381](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231381)



## Regular Agenda - Energy Orders (continued)

**47a** **ALTERNATE TO ITEM 5349**

[5457]

The alternate draft decision varies from the draft decision in four key areas. The alternate Decision finds the energy affiliate rules are more appropriate for energy companies providing broadband over powerline (BPL) service in some capacity on their networks. In order to ensure acquisition of BPL rights on a network is not used to limit broadband paths to the home the alternate decision sets a five year "use it or lose it" period. The alternate decision adopts the "other operating revenue" (OOR) sharing mechanism as detailed in Decision 99-09-070, but it finds that, under the landlord/tenant arrangement, the investment is "passive" rather than "active" and applies the 70/30 rather than 90/10 shareholder/ratepayer sharing arrangement. Finally, the alternate decision waives the application of Pub. Util. Code Section 851 for purposes of the lease of BPL rights, but in order to prevent the effect of a sale of permanent PBL rights, it caps lease length at twenty years. The alternate decision also finds that no BPL lease shall extend beyond the year 2031 without a Section 851 proceeding or an application to continue to waive Section 851.

(Comr Brown)

Agenda 3170, Item 55a 4/13/2006 (Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231582](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231582)

**48**

[5453]

**R04-01-025 - Order Instituting Rulemaking to establish policies and rules to ensure reliable, long-term supplies of natural gas to California.**

This decision addresses the April 1, 2005, motion of the Ratepayers for Affordable Clean Energy (RACE), which was reclassified as a petition for modification of Decision D04-09-022. RACE's petition for modification seeks to apply the California Environmental Quality Act to the Phase I activities which were reviewed and resolved in D04-09-022. Today's decision concludes that the activities related to the Phase I issues, and which led up to the adoption of D04-09-022, did not amount to a project within the meaning of CEQA and therefore CEQA did not apply to the Phase I activities. Accordingly, RACE's reclassified petition for modification of D04-09-022 is denied. D04-09-022 addressed the Phase 1 proposals of Southern California Gas Company, San Diego Gas & Electric Company, Pacific Gas and Electric Company, and Southwest Gas Company regarding interstate pipeline capacity contracts, liquefied natural gas access, and interstate pipeline access.

(Comr Peevey - ALJ Wong)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231401](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231401)

## Regular Agenda - Energy Orders (continued)

**49**

[5491]

**R05-10-030 - Order Instituting Rulemaking concerning relationship between California energy utilities and their holding companies and non regulated affiliates.**

This order amends the October 2005 Order Instituting Rulemaking, both as to scope and schedule, and attaches for public review and comment, staff proposals to revise (1) the Commission's Affiliate Transaction Rules and (2) its General Order 77-L, which governs the reporting of compensation paid to executive officers and employees of regulated utilities. The proposed rule revisions apply only to the previously designated Respondents, California's major energy utilities and their holding companies: Southern California Edison Company/Edison International, Pacific Gas and Electric Company/PG&E Corporation, and Southern California Gas Company and San Diego Gas & Electric Company, both owned by Sempra Energy.

(Comr Brown - ALJ Vieth)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3170, Item 60 4/13/2006 (Bohn)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=227069](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=227069)

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**Regular Agenda - Energy Resolutions and Written Reports****50**

[5403]

**Res G-3385 - Southwest Gas Corporation (SWG).**

SWG requests approval of 2006 attrition year rate relief and other adjustments applicable to its Northern and Southern California Divisions and its South Lake Tahoe District. SWG's attrition adjustment methodology is denied. Other aspects of SWG's request are approved. (Advice Letter (AL) 747, filed October 31, 2005, AL 747-A, filed November 23, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3170, Item 63 4/13/2006 (Bohn)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230399](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230399)

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**Regular Agenda - Telecommunication Orders****51** **R03-08-018 - Order Instituting Rulemaking to review policies concerning intrastate carrier access charges.**  
[5447]

This decision reduces intrastate access charges by eliminating two non-cost based charges - the network interconnection charge and transport interconnection charge. Local exchange carriers are authorized to impose a surcharge on local service customers to recover lost revenue from independent long distance carriers. Transfers from affiliated long distance carriers are not included in lost revenue calculation because they do not make actual payments but only "paper transfers." Phase III of the proceeding will address local exchange carriers other than Verizon and SBC California.

(Comr Peevey - ALJ Bushey)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3170, Item 71 4/13/2006 (Grueneich)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231356](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231356)

**51a** **ALTERNATE TO ITEM 5447**  
[5448]

This alternate reduces intrastate access charges by eliminating two non-cost based charges – the network interconnection charge and transport interconnection charge. Local exchange carriers are authorized to recover these losses via a surcharge. Unlike the Proposed Decision, this Alternate does not discriminate between revenue losses from affiliates and non-affiliates.

(Comr Peevey)

Agenda 3170, Item 71a 4/13/2006 (Grueneich)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231541](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231541)

**52** **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**  
[5467]

I95-04-044 - Related matters. This decision denies the Petition for Modification of Decision 05-08-040, filed by the County of Los Angeles, seeking the immediate suspension of the implementation of the 310/424 area code overlay.

(Comr Peevey - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230874](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230874)

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**Regular Agenda - Water/Sewer Orders****53 (Rev.)****A05-10-005 - Fruitridge Vista Water Company.**

[5496]

C05-10-007, C05-10-011, C05-09-011, C05-09-012, C05-09-027, C05-11-015 - Related matters. This decision approves a comprehensive settlement agreement reached by the parties to these proceedings, including Fruitridge Vista Water Company, the County of Sacramento, Sacramento Housing and Redevelopment Agency, and several developers of residential housing and business. The settlement would permit Fruitridge to correct a severe water shortage caused by the closure of four polluted wells, tie into purchase water from the City of Sacramento, and make infrastructure improvements to serve 4,947 existing connections and 550 new connections. The settlement is opposed by the Division of Ratepayer Advocates.

(Comr Brown - ALJ Walker)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

04/26/2006 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231430](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231430)

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**Regular Agenda - Water/Sewer Resolutions and Reports****54**

[5441]

**Res W-4590 - San Gabriel Valley Water Company, Fontana and Los Angeles Districts.**

This resolution records status of (a) reserve account filing and results of earnings test, and (b) water quality litigation memorandum account. (Advice Letter (AL) 334, filed April 1, 2005 and AL 338, filed July 22, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3170, Item 75 4/13/2006 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231067](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231067)

**55**

[5521]

**Res W-4594 - Great Oaks Water Company (Great Oaks).**

This resolution authorizes Great Oaks a general rate increase producing an additional annual revenue of \$595,878 or 5.40% for test year 2006-2007. (Advice Letter 173, filed June 24, 2005)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=228760](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=228760)

## Regular Agenda - Other Utility Orders

**56 (Rev.)**

[5106]

**R04-09-003 - Order Instituting Rulemaking on the Commission's own motion for the purpose of considering policies and guidelines regarding the allocation of gains from sales of energy, telecommunications, and water utility assets.**

This decision adopts a process for allocating gains on sale received by certain electric, gas, telecommunications and water utilities when they sell utility land, assets such as buildings, or other tangible or intangible assets formerly used to serve utility customers. In most cases, utility ratepayers should receive 100% of the gain from depreciable property such as buildings, and 67% of the gain from non-depreciable property such as land and water rights, based on our finding that ratepayers bear most of the risk associated with owning such property. The utilities' shareholders should receive the remaining gain on sale. This rule of thumb will apply to routine asset sales where the sale price is \$50 million or less and the after-tax gain or loss from the sale is \$10 million or less. Most ordinary asset sales that come before this Commission for approval should meet these criteria. This decision does not apply to routine retirements of minor utility assets that are no longer used and useful, such as utility poles, transformers, and vehicles, which are governed by Commission depreciation rules and schedules. The rule we develop here will not apply where the asset sale price exceeds \$50 million or the after-tax gain or loss exceeds \$10 million. The rule also does not apply to utility sales of assets of extraordinary character; sales of nuclear power plants; where a party alleges the utility engaged in highly risky and non-utility-related ventures; or where a party alleges the utility grossly mismanaged the assets at issue.

(Comr Brown - ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3164, Item 57 12/15/2005 (Staff);

Agenda 3166, Item 46 1/26/2006 (Staff);

Agenda 3167, Item 60 2/16/2006 (Chong);

Agenda 3168, Item 32 3/2/2006 (Peevey);

Agenda 3169, Item 28 3/15/2006 (Chong);

Agenda 3170, Item 77 4/13/2006 (Staff)

04/20/2006 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230269](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230269)

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Regular Agenda - Other Utility Orders (continued)**56a****ALTERNATE TO ITEM 5106**

[5524]

This decision adopts a process for allocating gains on sale received by certain electric, gas, telecommunications and water utilities when they sell utility land, assets such as buildings, or other tangible or intangible assets formerly used to serve utility customers. In most cases, utility ratepayers and ratepayers should split the gains 50-50 based on our finding that both bear risks associated with owning such property. This rule of thumb will apply to routine asset sales where the after-tax sale price is \$50 million or less, or where the gain or loss from the sale is \$10 million or less. For depreciable assets subject to routine retirement and salvage, ratepayers will receive all of the gain or loss associated with these assets. Most ordinary asset sales that come before this Commission for approval should meet these criteria. The rules we develop here, however, will not apply where the after-tax asset sale price exceeds \$50 million or the gain or loss exceeds \$10 million. The rule also does not apply to utility sales of assets of extraordinary character; sales of nuclear power plants; where a party alleges the utility engaged in highly risky and non-utility-related ventures; or where a party alleges the utility grossly mismanaged the assets at issue.

(Comr Chong)

Agenda 3170, Item 77a 4/13/2006 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231546](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231546)



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**Regular Agenda - Legislative Matters - Discussion**

- 57**                    **AB 1853 (Matthews)**  
[5394]                Assessment of rail/highway crossings that block emergency vehicles.  
                         Agenda 3169, Item 33 3/15/2006 (Staff);  
                         Agenda 3170, Item 81 4/13/2006 (Staff)
- 58**                    **SB 850 (Escutia)**  
[5397]                Broadband service strategy report by state Chief into Officer.  
                         Agenda 3169, Item 36 3/15/2006 (Staff);  
                         Agenda 3170, Item 83 4/13/2006 (Staff)
- 59**                    **SB 1010 (Florez)**  
[5398]                Intermodal facility in Shafter and track capacity reporting requirements.  
                         Agenda 3169, Item 37 3/15/2006 (Staff);  
                         Agenda 3170, Item 84 4/13/2006 (Staff)
- 60**                    **SB 1539 (Kehoe)**  
[5513]                San Diego Assn. of Governments Energy Working Group.  
                         Agenda 3170, Item 98 4/13/2006 (Staff)
- 61**                    **AB 2104 (Lieber)**  
[5573]                CARE: master-meter customer.  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230763](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230763)
- 62**                    **AB 2189 (Blakeslee)**  
[5574]                Energy: renewable energy resources: micro hydro.  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230762](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230762)
- 63**                    **AB 2723 (Pavley)**  
[5575]                Solar Energy: Low-Income Housing Development Revolving Loan Program.  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230820](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230820)
- 64**                    **AB 2778 (Lieber)**  
[5576]                Electricity: SGIP: Extension to 2017.  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230770](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230770)
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Regular Agenda - Legislative Matters - Discussion (continued)

- 65**                    **SB 1250 (Perata)**  
[5577]                PGC reinvestment plan.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230787](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230787)
- 66**                    **SB 1554 (Bowen)**  
[5578]                Cost responsibility surcharge: greenfields.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230791](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230791)
- 67**                    **SB 1816 (Alarcon)**  
[5579]                Gas furnace replacement program.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230804](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230804)
- 68**                    **SB 1627 (Kehoe)**  
[5580]                Wireless telco facilities: local government permitting process.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230796](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230796)
- 69**                    **SB 1311 (Soto)**  
[5581]                Liability waivers: in-language requirements (railroads).  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=230789](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=230789)
- 70**                    **SB 1794 (Dunn)**  
[5582]                PUC regulation of refineries.
- 71**                    **SCR 63 (Florez)**  
[5583]                School bus emissions reductions: utility rate funded program.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231121](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231121)
- 72**                    **SJR 24 (Murray)**  
[5584]                Telco: Internet network neutrality.

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## Regular Agenda - Commissioner's Reports

### 85 (Rev.)

[5635]

#### Commissioner Grueneich Report

Discussion and action regarding appointment of former Senator Richard Polanco to a public representative position on the Low Income Oversight Board. This matter is added to the agenda pursuant to Government Code Sec. 11125.3(a)(2).

04/26/2006 - This item was not listed on the agenda distributed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=231637](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=231637)

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**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Applications for Rehearing

- 73**                      **Conference with Legal Counsel - Applications for Rehearing**  
 [5426]                      Compilation of applications for rehearing recently filed with the Commission.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 74**                      **A05-02-027 - Conference with Legal Counsel - Application for Rehearing**  
 [5469]                      Disposition of Application for Rehearing of D05-11-028 filed by The Utility Reform Network and the Office of Ratepayer Advocates, jointly. In D05-11-028 the Commission granted the Joint Application of SBC Communications, Inc. (SBC) and AT&T Corp. (AT&T) to transfer control of AT&T Communications of California and its related California affiliates from AT&T to SBC subject to certain conditions.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                                  Agenda 3170, Item 109 4/13/2006 (Brown)
- 75**                      **A05-04-020 - Conference with Legal Counsel - Application for Rehearing**  
 [5470]                      Disposition of Applications for Rehearing of D05-11-029 filed by The Utility Reform Network and the Office of Ratepayer Advocates, jointly and by Verizon Communications Inc. (Verizon) and MCI Inc. (MCI), jointly. In D05-11-029 the Commission granted the Joint Application of Verizon and MCI to transfer control of MCI's California utility subsidiaries to Verizon, subject to conditions.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                                  Agenda 3170, Item 110 4/13/2006 (Brown)
- 76**                      **A04-04-008 - Conference with Legal Counsel - Application for Rehearing**  
 [5480]                      A04-06-018 - Related matters. Disposition of Application for Rehearing of D05-09-018 filed by Aglet Consumer Alliance. In D05-09-018 the Commission approved the Joint Proposal of Southern California Edison Company and Pacific Gas and Electric Company, with modification, for uniform Economic Development Rate discount tariffs for the two utilities.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                                  Agenda 3170, Item 111 4/13/2006 (Staff)

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Closed Session - Applications for Rehearing (continued)

**77**

[5556]

**A99-04-024 - Conference with Legal Counsel - Applications for Rehearing.**

Disposition of Application for Rehearing of D04-02-025 filed by The Utility Reform Network. In D04-02-025, the Commission adopted capital additions of \$31,782,000 for Southern California Edison Company for non-nuclear generation plant added to rate base from 1997 through March 31, 1998, for non-divested generation plant, and for divested and retained generation plant through July 8, 1998. This amount represents capital additions for environmental, regulatory, safety, and FERC relicensing purposes. The Decision also approved capital addition costs for divested non-nuclear generation plant from 1997 through July 8, 1998, and to maintain plant through December 2001. *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**78**

[5568]

**A05-05-010 - Conference with Legal Counsel - Application for Rehearing**

A05-05-013; A05-05-029 - Related matters. The City of Morro Bay (City) and the Coastal Alliance on Plant Expansion (CAPE) applied for rehearing of Resolution (Res.) E-3929, contending Res. E-3929 errs: 1) in substantially modifying the draft resolution without adequate notice and opportunity for comment; 2) in finding attachments to PG&E's AL 2632-E are confidential and for withholding them from the public for a period of six months; 3) in failing to permit the City and CAPE from entering into a non-disclosure agreement to view the confidential documents; and 4) in failing to provide a hearing. In addition, Pacific Gas and Electric Company (PG&E) filed a petition for modification of Res. E-3929 essentially seeking deletion of Ordering Paragraph No. 2 which makes public certain documents currently designated as confidential six months after the issuance of Res. E-3929. That six month period was extended on October 4, 2005 for a period of 15 days following issuance of an order disposing of PG&E's petition for modification. Neither PG&E's AL 2632-E nor Res. E-3929 have docket numbers.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**79**

[5389]

**Conference with Legal Counsel - Initiation of Litigation**

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*

Agenda 3169, Item 45 3/15/2006 (Staff);

Agenda 3170, Item 115 4/13/2006 (Staff)

**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*



**Closed Session - Existing Litigation - Non-Federal**

- 80**  
[5428]      **San Diego Superior Court No. GIC 857224 - Conference with Legal Counsel - Existing Litigation**  
People of the State of California, et al. v. Sempra Energy, et al., San Diego Superior Court No. GIC 857224  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- 81**  
[5534]      **San Diego Superior Court J.C.C.P. Nos. 4221, et al. - Conference with Legal Counsel - Existing Litigation**  
Natural Gas Antitrust Cases, I, II, III, IV, San Diego Superior Court J.C.C.P. Nos. 4221, et al.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*  
Agenda 3170, Item 114 4/13/2006 (Staff)
- 82**  
[5572]      **California Court of Appeal Case No. A113116 - Conference with Legal Counsel - Existing Litigation**  
People of the State of California v. Public Utilities Commission, California Court of Appeal, First District, Division Three, Case No. A113116.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

**Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**83**

[5571]

**FERC Docket RR06-1-000 - Conference with Legal Counsel - Initiation of Litigation**

North American Electric Reliability Council and North American Electric Reliability Corporation,  
FERC Docket RR06-1-000

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

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**Closed Session - Federal**

**84**

[5535]

**FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation**

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*